THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15023 of 2006

Dated: 27.07.2006

Between
K.T.Purnachander Rao

.....Petitioner

and

1.The Special Cadre Deputy Registrar of
Co-operative Societies (Oil Seeds)
3rd floor, BRKR Bhavan,
Near Tank Bund, Hyderabad.

....Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15023 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the impugned proceedings in R.C.No.OS/203/2000-B dated 18.05.2006 passed by the respondent as arbitrary and illegal and consequently to direct the respondent to return the Special Term Deposit for Rs.2,15,000/- vide receipt No.SPL/7 0817519 dated 3.6.2003 with Account No.1292015741 of State Bank of Hyderabad, Patancheru Branch, Medak District and Kalpatharu Term Deposit for Rs.1000/- vide receipt No.0416677, dated 4.6.2003 in Account No.003/0166.

The grievance of the petitioner is that when surcharge proceedings No.OS/34/CMO/HIND/97 dated 30.08.1999 were passed under Section 60 of the Cooperative Societies Act fixing liability of the petitioner for Rs.4,31,520/-, he preferred an appeal before the Co-operative Tribunal in CTA No.168 of 2003. During pendency of the appeal before the Co-operative Tribunal, the petitioner furnished bank guarantee through the FDR for an amount of Rs.2,15,000/-. Though the appeal was allowed and matter was remanded to the Court below, the impugned order was passed withholding the FDRs.

Learned counsel for the petitioner states that when the appeal was allowed and the matter was remanded to the Court below, it was the duty of the Court to return the FDR. Even otherwise, the interim order passed in the appeal merges in the final order, therefore, he is entitled to withdraw the amounts.

There is no necessity to go into all the details. The petitioner has got an alternative remedy of approaching the

Tribunal, by filing a review petition or a petition seeking clarification, since the matter was allowed and remanded to the Court below. But he did not do so.

Therefore, the writ petition is dismissed leaving liberty to the petitioiner to approach the Co-operative Tribunal and seek appropriate orders as per law.

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27.07.2006

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